

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 12-16 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-16 are now pending in this application.

Claim Objection

Claim 1 is objected to for containing informalities. Applicant respectfully submits that the amendments to the claims overcome this objection. Reconsideration and withdrawal of this objection is respectfully requested.

Rejection under 35 U.S.C. § 112

Claims 9 and 11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully submits that the amendments to the claims overcome this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-6 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,147,047 to Wölk (hereafter "Wölk"). This rejection is respectfully traversed.

The Office appears to be arguing that Wölk is prior art under 35 U.S.C. § 102(e). Applicant notes that Wölk is a U.S. patent that issued from a national stage entry of a PCT application. Such a reference as Wölk can have the international filing date of its international priority application serve as a 102(e) date when the reference resulted from, or claimed benefit from, an international application (1) filed on or after November 29, 2000, (2) that designated the U.S., and (3) published in English. See M.P.E.P. § 706.02(f)(1), Part I.

The international application Wölk claims priority to was published as WO 03/076860. However, WO 03/076860 was not published in English. Therefore, the international filing date of Wölk's international priority application (February 24, 2003) is not a proper 102(e) date.

Applicant respectfully submits that the international filing date for the international priority application of the present application (July 25, 2003) serves as the filing date of the present application. See M.P.E.P. § 1893.03(b). Because of this, and because the international filing date of Wölk's international priority application is not a 102(e) date for Wölk, Applicant respectfully submits that Wölk is not a 102(e) reference and is not a prior art reference. Furthermore, Applicant notes that the filing date for the present application predates the publication date of WO 03/076860.

Because Wölk is not a prior art reference for the present application, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Rejections under 35 U.S.C. § 103

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wölk as applied to claim 1, and further in view of U.S. Patent No. 6,308,527 to Kuroyanagi *et al.* (hereafter "Kuroyanagi"). This rejection is respectfully traversed. As discussed above in regard to independent claim 1, Wölk is not a prior art reference, thus leaving only Kuroyanagi in this rejection. Applicant respectfully submits that Kuroyanagi does not disclose or suggest all of the features of claim 1, from which claim 8 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 9 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wölk as applied to claim 1, and further in view of U.S. Patent No. 7,231,965 to Shimoya *et al.* (hereafter "Shimoya"). This rejection is respectfully traversed. As discussed above in regard to independent claim 1, Wölk is not a prior art reference, thus leaving only Shimoya in this rejection. Applicant respectfully submits that Shimoya does not disclose or suggest all of the features of claim 1, from which claims 9 and 11 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wölk in view of Shimoya and U.S. Patent No. 6,805,193 to Hu *et al.* (hereafter “Hu”). This rejection is respectfully traversed. As discussed above in regard to independent claim 1, Wölk is not a prior art reference, thus leaving only Shimoya and Hu in this rejection. Applicant respectfully submits that Shimoya and Hu do not disclose or suggest all of the features of claim 1, from which claim 7 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wölk Kuroyanagi and Shimoya. This rejection is respectfully traversed. As discussed above in regard to independent claim 1, Wölk is not a prior art reference, thus leaving only Kuroyanagi and Shimoya in this rejection. Applicant respectfully submits that Kuroyanagi and Shimoya do not disclose or suggest all of the features of claim 1, from which claim 10 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claims

New claims 12-16 have been added. Claims 12-16 depend from claim 1 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

Conclusion

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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